



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

11/032,814

01/10/2005

Herve Dejean

20040274USNP/XER20839US01

7934

62095 7590 10/16/2013
FAY SHARPE / XEROX - ROCHESTER
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND, OH 44115

EXAMINER

SHAH, PARAS D

ART UNIT

PAPER NUMBER

2659

MAIL DATE

DELIVERY MODE

10/16/2013

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HERVE DEJEAN, JEAN-LUC MEUNIER,
and OLIVIER FAMBON

Appeal 2011-001954
Application 11/032,814
Technology Center 2600

Before JOSEPH L. DIXON, ST. JOHN COURTENAY III, and
CARLA M. KRIVAK, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of
claims 1-19. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' claimed invention is:

[A] method for identifying a table of contents in a document, an ordered sequence of text fragments is derived from the document. A table of contents is selected as a contiguous sub-sequence of the ordered sequence of text fragments satisfying the criteria: (i) entries defined by text fragments of the table of contents each have a link to a target text fragment having textual similarity with the entry; (ii) no target text fragment lies within the table of contents; and (iii) the target text fragments have an ascending ordering corresponding to an ascending ordering of the entries defining the target text fragments.

(Abstract).

Independent claim 1, reproduced below, is illustrative of the subject matter on appeal.

1. A method for identifying a table of contents in a document, the method comprising:

deriving an ordered sequence of text fragments from the document;

defining links between pairs of text fragments satisfying a textual similarity criterion, each link including a source text fragment and a target text fragment; and

selecting from amongst the ordered sequence of text fragments a table of contents including a contiguous sub-sequence of the ordered sequence of text fragments, text fragments of the table of contents defining entries of the table of contents each having a target text fragment selected from links that include the entry as the source text fragment, the selection of the table of contents utilizing selection criteria including at least (i) providing an ascending ordering for the selected target text fragments, and (ii) providing that no entry of the selected table of contents has a selected target fragment that is included in the selected table of contents;

wherein the deriving, defining, and selecting is performed by a computer.

REFERENCES and REJECTIONS

The Examiner rejected claims 1, 2, 5, and 11-13 under 35 U.S.C. § 102(b) as being anticipated by Lin (U.S. Patent App. Publ'n. No. 2003/0208502 A1).

The Examiner rejected claims 3 and 4 under 35 U.S.C. § 103(a) as unpatentable based upon the teachings of Lin in view of Chaudhuri (U.S. Patent App. Publ'n. No. 2004/0260694 A1).

The Examiner rejected claims 6, 9, 10, and 14-19 under 35 U.S.C. § 103(a) as unpatentable based upon the teachings Lin in view of Kuppusamy (U.S. Patent App. Publ'n. No. 2005/0010865 A1).

The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable based upon the teachings of Lin, Kuppusamy, and further in view of Lamburt (U.S. Patent No. 6,578,056 B1).

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as unpatentable based upon the teachings of Lin, Kuppusamy, and further in view of Moreno (U.S. Patent No. 6,772,120 B1).

ANALYSIS

ANTICIPATION

"[A]nticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim" *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)).

Appellants set forth a reasoned argument as to why the Lin reference does not describe the invention recited in independent claims 1 and 11. (App. Br. 12-18). Appellants contend the claimed invention evaluates (deriving, defining, and selecting) based upon an ordered sequence of text fragments from the document; whereas the Lin reference operates on a Table-of-Content (TOC) page basis that does not select from the ordered sequence of text fragments in the table of contents, including suggesting or selection a contiguous *sub-sequence* of the ordered sequence of text fragments, as required by claim 1. (App. Br. 12 -13; Lin ¶[0042]). Thus, as Appellants assert, “selection of a page as a TOC page entails selection of the *entire* ordered list of words representing the page.” (App. Br. 13). We agree with Appellants' contentions and adopt them as our own with respect to the anticipation rejection of independent claims 1 and 11. (App. Br. 10-18; Reply Br. 2-7). The Examiner explains the interpretation of the claimed invention with respect to the prior art reference. The Examiner maintains:

The ordered sequence of text fragments, with respect to the claim, being the total pages in the document, which contains the text in their natural reading order, including the body and TOC page. The selection from amongst the ordered sequence of text fragments a table of contents including a contiguous sub-sequence of the ordered sequence of text fragments as claimed is also taught by Lin.

(Ans. 23). We disagree with the Examiner and conclude the Examiner's claim interpretation to be unreasonable with respect to the recited "text fragments." Additionally, we find the Examiner's reliance upon Lin's paragraphs [0031] and [0040] (Ans. 5), and Lin's paragraph [0089] (Ans. 12, 23-24) regarding linking information does not describe the claimed step of

"defining links between pairs of text fragments satisfying a textual similarity criterion," as recited in claim 1.

"The review authorized by 35 U.S.C. Section 134 is not a process whereby the examiner . . . invite[s] the [B]oard to examine the application and resolve patentability in the first instance." *Ex parte Braeken*, 54 USPQ2d 1110, 1112 (BPAI 1999). We decline and will not resort to speculation, unfounded assumptions, or hindsight reconstruction to make up for this deficiency in the Examiner's rejection. Therefore, we cannot sustain the Examiner's anticipation rejection of independent claims 1 and 11 and their respective dependent claims 2, 5, 12, and 13 based upon the Lin reference.

OBVIOUSNESS

With respect to independent claim 17, Appellants set forth similar arguments for patentability based upon the limitation "a candidate table of contents selector that selects a plurality of candidate tables of contents, each candidate including a contiguous sub-sequence of the ordered sequence of text fragments that potentially can satisfy criteria including at least an ordering criterion and a non-self-referencing criterion" (claim 17) as discussed above with respect to independent claim 1. (App. Br. 18-20). Again, we adopt Appellants' contentions as our own. Appellants further contend the proposed combination of the Kuppusamy reference with respect to the "links optimizer" is unclear since "Lin does not select any singular target text fragment. Rather, as clearly disclosed at Lin ¶¶[0072]-[0074], Lin scores a candidate TOC *page* by *aggregating* (i.e., summing or averaging) the number of title pages (summed) and the number and positions of matched lines (averaged)." (App. Br. 19). We agree with Appellants.

Therefore, we cannot sustain the obviousness rejection of independent claim 17 and dependent claims 18 and 19.

The Examiner has not shown how the additional secondary references remedy the above noted deficiencies in independent claims 1 and 11.

Therefore, we cannot sustain the obviousness rejection of dependent claims 3, 4, 6-10, and 14-16.

CONCLUSION

The Examiner did not err in rejecting claims 1, 2, 5, and 11-13 under 35 U.S.C. § 102. The Examiner did not err in rejecting claims 3, 4, 6-10, and 14-19 under 35 U.S.C. § 103(a).

DECISION

The Examiner's decision rejecting claims 1, 2, 5, and 11-13 under 35 U.S.C. § 102 is reversed.

The Examiner's decision rejecting claims 3, 4, 6-10, and 14-19 under 35 U.S.C. § 103(a) is reversed.

REVERSED

Pgc/llw